

REMARKS

In the Office Action of March 31, 2006 the Examiner rejected claims 1, 3-7 under 35 USC 102(b) as being anticipated by Clewitt et al (5,334,294). Applicants respectfully traverse this rejection.

The Examiner allowed claim 10 and objected to claims 8 and 9, indicating they would be allowable if converted to independent form. While Applicants appreciate the indication of allowability of these claims, Applicants respectfully request reconsideration of the rejected claims in view of the arguments presented below. Applicants believe that the cited reference has been misunderstood and that a proper understanding of the prior art cited against the rejected claims will result in removal of the rejection such that there will be no need to present claims 8 and 9 in independent form. Therefore, the claims are not being amended at this time and, consequently, no claim listing is enclosed.

Clewitt et al (5,334,294) does not anticipate claims 1 and 3-7 for many reasons, including because it is not a ligament fixation implant. There is no disclosure or suggestion in Clewitt et al. that it could be used as such. More importantly, Clewitt et al. do not disclose or suggest a frame as suggested by the Examiner. The members identified by the numeral 44 are not "elongated members situated in longitudinal alignment with an axis" nor separated by a plurality of rings identified as the portions between "windows" 50. In fact, portions 44 are flutes and items 50 are lands between flutes 44 (Clewitt column 3, lines 64-66). The items that look like windows are the three generally rectangular box like structures identified with various numerals such as 48a,

48b, and 46 (Clewitt column 3, lines 52-64). These items are, in fact, a thread group 36 which is generally a continuation of the thread pattern of thread group 34 (Clewitt column 3, lines 32-34). Thread group 36 comprises a plurality of cutting faces 46 (Clewitt column 4, lines 18-20) in order to cut the threads into bone as the screw 10 is backed out by rotation in the opposite direction from that in which it was implanted (Clewitt column 5, lines 6-9). Consequently, Clewitt et al. show no elongated members such as those of the claimed invention and, therefore, they show no distal end of the elongated members at point 14 and there is no proximal end at head 12. It necessarily follows that Clewitt et al. neither show nor suggest any radially outwardly extending projection secured to the proximal end of any elongated members since there are no elongated members. Furthermore, there is no radially outwardly extending projection spaced proximally a predetermined distance from a proximal-most ring because there is no proximal-most ring shown or suggested by Clewitt et al., or any ring for that matter.

Regarding claim 3, Clewitt et al. do not disclose the tapering of any elongated members because they do not disclose any elongated member at all.

With respect to claim 6, it should also be clear that because there are no rings shown or suggested by Clewitt et al., the feature of claim 6 where each of the plurality of rings is aligned in a plane perpendicular to elongated members cannot be anticipated by Clewitt et al.

The prior art made of record and not relied upon in the Office Action has either been addressed before in prior responses to earlier Office Actions or is not deemed any more pertinent than any of the art previously discussed.

In view of the above, Applicants respectfully request reconsideration of the rejection of claims 1 and 3-7. In view of the apparent misunderstanding which Applicants respectfully submit has been clarified above, Applicants believe that claims 1 and 3-7 are allowable over the prior art and as a result, claims 8 and 9 do not need to be rewritten in independent form in view of the allowability of claim 1.